

IN RE PETITIONS FOR SPECIAL EXCEPTION * BEFORE THE
AND ZONING VARIANCE * ZONING COMMISSIONER
W/S Pulaski Highway, 1725 ft. *
So. of Stevens Road * OF BALTIMORE COUNTY
1100 Pulaski Highway *
11th Election District * Case No. 91-506-XA
5th Councilmanic District *
Charles J. Gast, Jr. *
Petitioner *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests, pursuant to a Petition for Special Exception, permission to use the herein described property for a contractor's equipment storage yard in a B.R.-C.S.1 zone; and pursuant to the Petition for Zoning Variance, variances from Section 238.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) for a front yard setback 43 ft. in lieu of the required 50 ft., Section 238.2 of the B.C.Z.R. for a side yard setback existing building 7.3 ft. in lieu of required 30 ft., Sections 102.2, 238.2 and 255.1 of the B.C.Z.R. for a building separation - A to B - 15 ft. in lieu of required 60 ft.; B to C - 15 ft. in lieu of required 60 ft.; C to A 20 ft. in lieu of required 60 ft.; A to D - 13 ft. in lieu of required 60 ft.; Sections 238.2, 255.1 and 301.1 of the B.C.Z.R. for a side yard setback - "Gazebo" 17 ft. in lieu of required 30 ft.; Section 413.6.B of the B.C.Z.R. - Sign Requirements: Additional sign of +/- 40 total sq. ft. in lieu of required 25 sq. ft.; Sections 409.8.A.2 and A.6 of the B.C.Z.R. for a parking variance to permit an unstriped, crusher run surface in lieu of the required permanently striped, durable, dustless surface, as more particularly described on Petitioner's Exhibit No. 1.

ORDER RECEIVED FOR FILING
Date 9/4/91
By M. Haines

The Petitioner, Charles Gast, Jr., appeared, testified and was represented by John Gontrum, Esquire. Also appearing on behalf of the Petition was Jeffrey Schultz and W. Paul Thompson, Jr. There were no Protestants.

Proffered testimony indicated that the subject property, known as 1100 Pulaski Highway, consists of 1.04 acres +/- split zoned, B.R.-C.S.1 and M.L.-C.S.1 and is currently improved with the structures indicated on Petitioner's Exhibit No. 1. Testimony further indicated that the site is located within the Chesapeake Bay Critical Area.

Proffered testimony indicated that Mr. Gast is desirous of locating his landscaping sales office on the subject site.

Testimony and evidence indicated that Mr. Gast is proposing extensive landscaping for this site to provide his customers the opportunity to personally examine the services and products he provides.

The Petitioner testified that the proposed "residential style" buildings are for display purposes only and will not be provided with plumbing. Testimony indicated that the proposed walkways will be covered with a wood-chip-type surface and that much of the site will be utilized as lawn open space.

Proffered testimony indicated that the requested variances are needed to retain the residential style setting. Clearly, if the project were required to be moved further back into the subject site as a result of the requested variances being denied, extensive grading would be required on this site. The surrounding uses in the area are predominantly industrial, and the requested use is consistent with the surrounding existing uses in the community.

ORDER RECEIVED FOR FILING
Date 9/4/91
By M. Haines

- 2 -

The Petitioner's witnesses testified that the requirements of Section 502.1 of the B.C.Z.R. were satisfied.

The Petitioner has also requested the aforementioned sign variance.

The artist rendition of the proposed site (not introduced as an exhibit) depicted a well planned site where the requested signage has been tastefully incorporated into the proposed landscaping.

Testimony indicated that there will be no detrimental impact on this community should the requested relief be granted.

The Department of Environmental Protection and Resource Management has not provided a comment on this project. The project will be required to meet the Chesapeake Bay Critical Area requirements.

It is clear that the B.C.Z.R. permits the use proposed in a B.R.-C.S.1 zone by special exception. It is equally clear that the proposed use would not be detrimental to the primary uses in the vicinity.

The Petitioner has shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest. The facts and circumstances do not show that the proposed use at the particular location described by Petitioner's Exhibit No. 1 would have any adverse impact above and beyond that inherently associated with such a special exception use, irrespective of its location within the zone. *Schultz v. Pritts*, 291 Md. 1 432 Ad2 1319 (1981).

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 16th day of Sept., 1991 that the Petition for Special Exception for permission to use the herein described property for a contrac-

ORDER RECEIVED FOR FILING
Date 9/4/91
By M. Haines

- 3 -

tor's equipment storage yard in a B.R.-C.S.1 zone, in accordance with Petitioner's Exhibit No. 1, is hereby GRANTED; and,

IT IS FURTHER ORDERED that pursuant to a Petition for Zoning Variance, variances from Section 238.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) for a front yard setback 43 ft. in lieu of the required 50 ft., Section 238.2 of the B.C.Z.R. for a side yard setback existing building 7.3 ft. in lieu of required 30 ft., Sections 102.2, 238.2 and 255.1 of the B.C.Z.R. for a building separation - A to B - 15 ft. in lieu of required 60 ft.; B to C - 15 ft. in lieu of required 60 ft.; C to A 20 ft. in lieu of required 60 ft.; A to D - 13 ft. in lieu of required 60 ft.; Sections 238.2, 255.1 and 301.1 of the B.C.Z.R. for a side yard setback - "Gazebo" 17 ft. in lieu of required 30 ft.; Section 413.6.B of the B.C.Z.R. - Sign Requirements: Additional sign of +/- 40 total sq. ft. in lieu of required 25 sq. ft.; Sections 409.8.A.2 and A.6 of the B.C.Z.R. for a parking variance to permit an unstriped, crusher run surface in lieu of the required permanently striped, durable, dustless surface, in accordance with Petitioner's Exhibit No. 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition; and,

IT IS FURTHER ORDERED that the Petitioner shall comply fully and completely with all requirements and recommendations of the Department of

ORDER RECEIVED FOR FILING
Date 9/4/91
By M. Haines

- 4 -

Environmental Protection and Resource Management for compliance with the Chesapeake Bay Critical Area requirements.

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner for
Baltimore County

JRH:mmm
cc: Peoples Counsel

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

September 13, 1991

John G. Gontrum, Esquire
814 Eastern Avenue
Baltimore, Maryland 21221

RE: Petitions for Special Exception and Zoning Variance
Case No. 91-506-XA
Charles Gast, Jr., Petitioner

Dear Mr. Gontrum:

Enclosed please find the decision rendered on the above captioned case. The Petitions for Special Exception and Zoning Variance have been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

J. Robert Haines
J. Robert Haines
Zoning Commissioner

JRH:mmm
att.
cc: Peoples Counsel

ORDER RECEIVED FOR FILING
Date 9/4/91
By M. Haines

- 5 -

PETITION FOR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 91-506-XA

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property for a contractor's equipment storage yard in a BR-CS-1 zone.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:

(Type or Print Name)

Signature

Address

City and State

Attorney for Petitioner:

John B. Gontrum, Esquire
(Type or Print Name)

Signature

814 Eastern Avenue

Address

Baltimore, MD 21221

City and State

Attorney's Telephone No.: 686-8274

Legal Owner(s):

Charles Gast, Jr.

(Type or Print Name)

Signature

Charles C. Gast, Jr.

(Type or Print Name)

Signature

1100 Pulaski Highway

Address

White Marsh, MD 21162

City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

Charles Gast, Jr.

Name

1100 Pulaski Highway

Address

White Marsh, MD 21162

City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

Charles Gast, Jr.

Name

1100 Pulaski Highway

Address

White Marsh, MD 21162

City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

Charles Gast, Jr.

Name

1100 Pulaski Highway

Address

White Marsh, MD 21162

City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

Charles Gast, Jr.

Name

1100 Pulaski Highway

Address

White Marsh, MD 21162

City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

Charles Gast, Jr.

Name

1100 Pulaski Highway

Address

White Marsh, MD 21162

City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

Charles Gast, Jr.

Name

1100 Pulaski Highway

Address

White Marsh, MD 21162

City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

Charles Gast, Jr.

Name

1100 Pulaski Highway

Address

White Marsh, MD 21162

City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

Charles Gast, Jr.

Name

1100 Pulaski Highway

Address

White Marsh, MD 21162

City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

Charles Gast, Jr.

Name

1100 Pulaski Highway

Address

White Marsh, MD 21162

City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

Charles Gast, Jr.

Name

1100 Pulaski Highway

Address

White Marsh, MD 21162

City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

Charles Gast, Jr.

Name

1100 Pulaski Highway

Address

White Marsh, MD 21162

City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

Charles Gast, Jr.

Name

1100 Pulaski Highway

Address

White Marsh, MD 21162

City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

Charles Gast, Jr.

Name

1100 Pulaski Highway

Address

White Marsh, MD 21162

City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

Charles Gast, Jr.

Name

1100 Pulaski Highway

Address

White Marsh, MD 21162

City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

Charles Gast, Jr.

Name

1100 Pulaski Highway

Address

White Marsh, MD 21162

City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

Charles Gast, Jr.

Name

1100 Pulaski Highway

Address

White Marsh, MD 21162

City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

Charles Gast, Jr.

Name

1100 Pulaski Highway

Address

White Marsh, MD 21162

City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

Charles Gast, Jr.

Name

1100 Pulaski Highway

Address

White Marsh, MD 21162

City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

Charles Gast, Jr.

Name

1100 Pulaski Highway

Address

White Marsh, MD 21162

City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

Charles Gast, Jr.

Name

1100 Pulaski Highway

Address

White Marsh, MD 21162

City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

Charles Gast, Jr.

Name

1100 Pulaski Highway

Address

White Marsh, MD 21162

City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

Charles Gast, Jr.

Name

1100 Pulaski Highway

Address

White Marsh, MD 21162

City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

Charles Gast, Jr.

Name

1100 Pulaski Highway

Address

White Marsh, MD 21162

City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

Charles Gast, Jr.

Name

1100 Pulaski Highway

Address

White Marsh, MD 21162

City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

Charles Gast, Jr.

Name

1100 Pulaski Highway

Address

White Marsh, MD 21162

City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

Charles Gast, Jr.

Name

1100 Pulaski Highway

Address

White Marsh, MD 21162

City and State

ZONING VARIANCE REQUESTS

238.1 FRONT YARD SETBACK . 43' IN LIEU OF REQUIRED 50'
238.2 SIDE YARD SETBACK. EXISTING BUILDING 7.3' IN LIEU OF REQUIRED 30'

102.2, 238.2 & 255.1 BUILDING SEPARATION:

A TO B - 15' IN LIEU OF REQUIRED 60'
B TO C - 15' IN LIEU OF REQUIRED 60'
C TO A - 20' IN LIEU OF REQUIRED 60'
A TO D - 13' IN LIEU OF REQUIRED 60'

238.2, 255.1 & 301.1 SIDE YARD SETBACK - "GAZEBO" 17' IN LIEU OF REQUIRED 30'

413.6B - SIGN REQUIREMENTS: ADDITIONAL SIGN OF +/- 40 TOTAL SQUARE FEET IN LIEU OF THE REQUIRED PERMANENTLY STRIPED, DURABLE, DUSTLESS SURFACE.

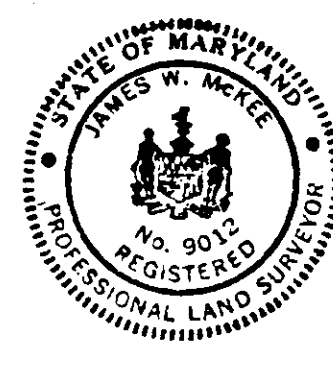
409.8.A.2 & A.6: PARKING VARIANCE TO PERMIT AN UNSTRIPED, CRUSHER RUN SURFACE IN LIEU OF THE REQUIRED PERMANENTLY STRIPED, DURABLE, DUSTLESS SURFACE.

MCKEE & ASSOCIATES, INC. CRITICAL AREA Engineering - Surveying - Real Estate Development

SHAWAN PLACE, 5 SHAWAN ROAD HUNT VALLEY, MARYLAND 21030

Telephone: (301) 527-1555
Facsimile: (301) 527-1563

June 20, 1991



ZONING DESCRIPTION OF PROPERTY OF
GAST CONSTRUCTION COMPANY, INC.
TO ACCOMPANY PETITION FOR
SPECIAL EXCEPTION

Beginning at a point on the second line of the described parcel of land of Gast Construction Company, Inc., said point being located South 55° 16' 32" West 200.00 feet and North 34° 43' 28" West 108.00 feet from the beginning of said parcel; thence running North 34° 43' 28" West 100.00 feet, North 55° 16' 32" East 100.00 feet, South 34° 43' 28" East 100.00 feet, and South 55° 16' 32" West 100.00 feet to the place of beginning.

Containing 10,000 S.F. or 0.230 acres of land.

MCKEE & ASSOCIATES, INC. 478 Engineering - Surveying - Real Estate Development CRITICAL AREA

SHAWAN PLACE, 5 SHAWAN ROAD HUNT VALLEY, MARYLAND 21030

Telephone: (301) 527-1555
Facsimile: (301) 527-1563

June 20, 1991



ZONING DESCRIPTION OF PROPERTY
OF GAST CONSTRUCTION COMPANY, INC.
11th ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND

Beginning at a point on the northwest right-of-way line of Pulaski Highway (150 feet wide), said point being located 1,725 feet west of the centerline line of Stevens Road, thence running along Pulaski Highway South 55° 16' 32" West 200.00 feet, thence North 34° 43' 28" West 239.05 feet to the centerline of Red Lion Road, thence along said centerline North 62° 29' 4" East 100.80 feet and North 62° 19' 38" East 100.76 feet to a point, thence South 34° 43' 28" East 214.01 feet to the place of beginning.

Containing 45,291 square feet or 1.040 acres of land, more or less. Being all of those three parcels as recorded in deeds 7103/545, 4040/438, and 3164/355.

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 11th Date of Posting: 8/14/91
Posted for: Special Exception
Petitioner: Charles J. Gast, Jr.
Location of property: 11100 Pulaski Hwy, 1725' S of Stevens Rd.
Location of Signs: 11100 Pulaski Hwy, 1725' S of Stevens Rd.
Remarks: 11100 Pulaski Hwy, 1725' S of Stevens Rd.
Posted by: [Signature] Date of return: 8/14/91
Number of Signs: 3

CERTIFICATE OF PUBLICATION

TOWSON, MD., 8/14/91

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 8/14/91.

THE JEFFERSONIAN,

S. Zake Orlean
Publisher

CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was published in the NORTHEAST TIMES BOOSTER and the NORTHEAST TIMES REPORTER, weekly newspapers published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 8/14/91.

NORTHEAST TIMES BOOSTER and the
NORTHEAST TIMES REPORTER

S. Zake Orlean
Publisher

\$ 94.10

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:
Case Number: 91-506-XA
W/S Pulaski Highway, 1725' S of Stevens Road
11100 Pulaski Highway
11th Election District
5th Councilmanic
Petitioner(s): Charles J. Gast, Jr.
Hearing Date: Thursday, Aug. 29, 1991 at 9:00 a.m.
Special Exception for a contractor's equipment storage yard
Zoning Commissioner of Baltimore County
NTJ8017 Aug. 1

Baltimore County Zoning Commissioner County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204			Account: R-001-6150 Number
Date: 6/19/91			H9100493
PUBLIC HEARING FEES	QTY	PRICE	
020 - ZONING VARIANCE (OTHER)	1 X	\$175.00	
050 - SPECIAL EXCEPTION	1 X	\$175.00	
TOTAL:		\$350.00	
LAST NAME OF OWNER: GAST			
Please Make Checks Payable To: Baltimore County NTJ8017-09PH06-19-91 \$350.00			

Cashier Validation

CERTIFICATE OF PUBLICATION

TOWSON, MD., 8/14/91

THIS IS TO CERTIFY, that the annexed advertisement was published in TOWSON TIMES, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 8/14/91.

TOWSON TIMES,

S. Zake Orlean
Publisher

\$ 94.10

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:
Case Number: 91-506-XA
W/S Pulaski Highway, 1725' S of Stevens Road
11100 Pulaski Highway
11th Election District
5th Councilmanic
Petitioner(s): Charles J. Gast, Jr.
Hearing Date: Thursday, Aug. 29, 1991 at 9:00 a.m.
Special Exception for a contractor's equipment storage yard
Zoning Commissioner of Baltimore County
NTJ8017 Aug. 1

Baltimore County Zoning Commissioner County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204			Account: R-001-6150 Number
Date: 7/19/91			
PUBLIC HEARING FEES	QTY	PRICE	
020 - ZONING VARIANCE (OTHER)	1 X	\$175.00	
050 - SPECIAL EXCEPTION	1 X	\$175.00	
TOTAL:		\$350.00	
Please Make Checks Payable To: Baltimore County NTJ8017-09PH06-19-91 \$350.00			

Cashier Validation

COPY

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Case Number: 91-506-XA
W/S Pulaski Highway, 1725' S of Stevens Road
11100 Pulaski Highway
11th Election District - 5th Councilmanic
Petitioner(s): Charles J. Gast, Jr.
HEARING: THURSDAY, AUGUST 29, 1991 at 9:00 a.m.

Special Exception for a contractor's equipment storage yard.

J. Robert Orlean
Zoning Commissioner of
Baltimore County

111 West Chesapeake Avenue
Towson, MD 21204

887-3354

July 31, 1991

John B. Contrum, Esquire
814 Eastern Avenue
Baltimore, MD 21221

RE: Item No. 498, Case No. 91-506-KA
Petitioner: Charles Gast
Petition for Special Exception and
Zoning Variance

Dear Mr. Contrum:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,

James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

cc: Mr. Charles Gast
11100 Pulaski Highway
White Marsh, MD 21162

111 West Chesapeake Avenue
Towson, MD 21204

887-3354

Your petition has been received and accepted for filing this
3rd day of July, 1991.

Arnold Jablon
ARNOLD JABLON
DIRECTOR

Received By:

James E. Dyer
Chairman,
Zoning Plans Advisory Committee

Petitioner: Charles Gast

Petitioner's Attorney: John B. Contrum

BALTIMORE COUNTY, MARYLAND
Inter-office Correspondence

TO: Zoning Commissioner, Office of Planning & Zoning

FROM: Robert C. Merrey, Jr.

DATE: July 17, 1991

SUBJECT: Zoning Variance Request, ZAC #498

Property Owner: Charles Gast, Jr.

Location: W/S Pulaski Highway, 1,725' S of Stevens Road
(#11100 Pulaski Highway)

Existing Zoning: B.R.-C.S.-1/M.L.-C.S.-1

Area: .67 (+/-) acre - B.R.-C.S.-1
.51 (+/-) acre - M.L.-C.S.-1

District: 11th Election District, 5th Councilmanic District

Due to the small area involved and the very limited traffic flow, this office recommends approval of crushed stone in lieu of the required durable and dustless surface for the parking area. All crushed stone surfaces are to be treated in accordance with Maryland Regulations COMAR 26.11.06.03 D (2) in order to prevent particulate matter from becoming airborne. Treatment and maintenance of this surface is an owner responsibility and will be on a continuing basis as necessary.

tk

cc: Zoning Variance File

700 East Joppa Road, Suite 901
Towson, MD 21204-5500

(301) 887-4500

JULY 26, 1991

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: CHARLES GAST, JR.

Location: #11100 PULASKI HIGHWAY

Item No.: 498 Zoning Agenda: JULY 2, 1991

Certlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy.

REVIEWED: *Capt. Jeff Kelly 7/26/91* Noted and Approved
Planning Group Fire Prevention Bureau
Special Inspection Division

JK/RTD

Rec'd 7/31/91
jaw

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: July 3, 1991

FROM: Robert W. Bowling, P.E.

RE: Zoning Advisory Committee Meeting
for July 2, 1991

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 407-revised, 492, 494, 496, 497, 499, 500, 501, 502 and 503.

For Items 423-revised, a County Review Group Meeting is required.

For Item 272 (Case No. 90-434-SHA), the previous County Review Group Meeting Comments are still applicable.

For Item 493, a 5-foot widening strip is requested for the ultimate 50-foot right-of-way width of Railroad Avenue.

For Item 495, no permanent structures are allowed within the limits of Baltimore County drainage and utility easements.

For Item 498, a County Review Group Meeting is required. In addition, the following highway comments are provided:

Red Lion Road is an existing road, which shall ultimately be improved as a 40-foot street cross-section on a 60-foot right-of-way.

The Developer's responsibilities along the existing frontage of this site shall be as follows:

- The submission of detailed construction drawings to extend a minimum distance of 200 feet beyond the limits of the site, or as may be required to establish line and grade.

Zoning Advisory Committee Meeting July 2, 1991
Page 2

- The submission of full cross-section as deemed necessary for design and/or construction purposes. The sections are to be taken at 25-foot intervals and are to be shown on standard cross-section paper at 1"=5' horizontal to 1"=5' vertical scale.
- The preparation of the right-of-way plat for, and the dedication of any widening and slope easements at no cost to the County.
- The preparation of the right-of-way plat for any offsite road right-of-way required to make the necessary improvements. Baltimore County will attempt to acquire the right-of-way at the Developer's expense.
- The grading of the widening and the existing road to the established grade. Where adjacent properties are adversely affected by the improvements, the Developer shall be financially responsible for the necessary repairs to these properties.
- The relocation of any utilities or poles as required by the road improvements.
- The construction of combination curb and gutter in its ultimate location and a maximum of 23.5 feet of paving adjacent thereto along the frontage of the property. The paving thickness shall conform with Baltimore County standards.

RWB:s

Robert W. Bowling
ROBERT W. BOWLING, P.E., Chief
Developers Engineering Division

601 Bosley Avenue
Towson, MD 21204

887-3733

July 22, 1991

Mr. Charles Gast, Jr.
11100 Pulaski Highway
White Marsh, Maryland 21162

Dear Mr. Gast:

The Chesapeake Bay Critical Area Program has received your petition for a Special Exception. In order for us to provide the Zoning Commissioner with a Findings for this project, we must receive and review a Critical Area Findings Plan. A copy of the findings plan checklist is enclosed. It is our recommendation that a hearing not be scheduled until a findings has been written which approves the proposed development.

Sincerely,

David C. Flowers

David C. Flowers
Coordinator
Chesapeake Bay Critical Area Program

DCF:JU
cc: Mr. J. Robert Haines
Mr. John B. Contrum

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: August 6, 1991
Zoning Administration and
Development Management

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: Charles Gast, Jr., Item No. 498

In reference to the petitioner's request, staff offers the following comments:

This project requires CRG approval prior to development.

A CRG hearing or waiver will be required prior to construction of the proposed improvements.

Staff supports the variance requests for front/side yard setbacks and relief from building separation requirements.

The sign detail depicted on the plat accompanying this petition indicates an attractive, well presented sign treatment. Staff supports this aspect of the request, as well.

The office defers to the Department of Environmental Protection and Resource Management regarding the issue of the proposed crusher run parking surface.

The proposed and existing landscape element of the plan appears to be adequate; however, emphasis shall be placed on providing street trees along Pulaski Highway.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm

ITEM498/ZAC1

BUREAU OF TRAFFIC ENGINEERING
DEPARTMENT OF PUBLIC WORKS
BALTIMORE COUNTY, MARYLAND

DATE: August 27, 1991

TO: Mr. Arnold Jablon, Director
Office of Zoning Administration
and Development Management

FROM: Rahee J. Famill

SUBJECT: Z.A.C. Comments

Z.A.C. MEETING DATE: July 7, 1991

This office has no comments for items number 492, 494, 495, 496, 498, 499, 500, 501, 502 and 503.

Rahee J. Famill
Rahee J. Famill
Traffic Engineer II

RJF/lvd

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold Jablon, Director
Office of Zoning Administration
and Development Management

DATE: October 11, 1991

FROM: J. James Dieter, Director

SUBJECT: Petition for a Special Exception
and a Zoning Variance - Item 498
Charles Gast Property
Chesapeake Bay Critical Area Findings

SITE LOCATION

The subject property is located at 11100 Pulaski Highway. The majority of the site is within the Chesapeake Bay Critical Area and is classified as an Intensely Developed Area (IDA).

APPLICANT'S NAME Charles C. Gast, Jr.

APPLICANT PROPOSAL

The applicant has requested a Special Exception to permit a contractor's equipment storage yard in a BR-CS-1 zone, and a variance from sections 238.1, 238.2, 102.2, 255.1, 301.1, 413.6B, and 409.8.A.2 and A.6 of the Baltimore County Zoning Regulations.

GOALS OF THE CHESAPEAKE BAY CRITICAL AREA PROGRAM

In accordance with the Chesapeake Bay Critical Area Program, all project approvals shall be based on a finding which assures that proposed projects are consistent with the following goals of the Critical Area Law:

1. "Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have runoff from surrounding lands;
2. Conserve fish, wildlife and plant habitat; and
3. Establish land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts." <COMAR 14.15.10.01.D>

Memo to Mr. Arnold Jablon
October 11, 1991
Page 2

REGULATIONS AND FINDINGS

1. Regulation: "No dredging, filling, or construction in any wetland shall be permitted. Any wetland must be adequately protected from contamination" <Baltimore County Code Sec. 22-98>.

Finding: No tidal or non-tidal wetlands were found on this site, or in the vicinity of the site.

2. Regulation: "A minimum 100 foot buffer shall be established landward from the mean high water line of tidal waters, tidal wetlands, and tributary streams" <Baltimore County Code Sec. 22-213(a)>.

Finding: There are no tidal waters, tidal wetlands, or tributary streams on or within 100 feet of this property.

3. Regulation: "New development and redevelopment within the IDA shall use Best Management Practices or other technology which reduces pollutant loadings by 10% of the on-site level prior to new development or redevelopment. The methodology to determine the ten percent reduction in pollutant loadings and acceptable offsets shall conform to the standards and procedures specified in the report "A Framework for Evaluating Compliance with the Ten Percent Rule in the Critical Area" published by the Chesapeake Bay Critical Area Commission and the Maryland Office of Environmental Programs" <Baltimore County Code, Sec. 22-216>.

Finding: The portion of this site within the Critical Area currently contains approximately 54% impervious surface, and generates a pre-development pollutant load of approximately 4.72 pounds per year. The post-development portion of this site within the Critical Area shall contain approximately 48% impervious surface, and generate a post-development pollutant load of approximately 4.25 pounds per year. The resultant 10% pre-development pollutant removal requirement is approximately 0.0 pounds per year. Therefore, compliance with the 10% reduction in the pre-development pollutant load requirement shall be met on this site through a reduction in pre-development impervious surface.

Memo to Mr. Arnold Jablon
October 11, 1991
Page 3

CONCLUSION

The Zoning Variance shall be conditioned so the project proposal is in compliance with the Chesapeake Bay Critical Area Regulations and Findings listed above. This proposal does comply with Chesapeake Bay Critical Area Regulations, and is therefore approved. If there are any questions, please contact Mr. David C. Flowers at 887-2904.

J. James Dieter
J. James Dieter, Director

JJD:DCF:ju
Attachment

cc: Mr. Charles C. Gast, Jr.
Mr. John B. Gontrum
Mr. Geoffrey C. Schultz

GAST/TXTNNS

4/12/93 -AFFIRMED CBA to special exception;
REVERSED and REWARDED as to variance request for
findings consistent "with this opinion." (Judge A. L. Brennan, Sr.)

93APR 12 PM 3:04

Lawrence W. Clow * In the
People's Counsel * Circuit Court
Appellants * for
v. * Baltimore County
Amoco Oil Company * Case No. 92 CV 5341
Appellee * #91-498-XA

OPINION AND ORDER

OPINION

This case is before this Court on appeals by both Lawrence W. Clow and the People's Counsel of the decision of the County Board of Appeals, which reversed the decision of the Zoning Commissioner.

Petitioner Amoco Oil, petitioned for special exceptions for an automotive service station, which included a convenience store and self service car wash, in a commercial zone located at the southeast corner of Philadelphia and Middle River Roads in Baltimore County, Maryland. Petitioner also sought two (2) variances: one for additional footage for its sign, and one for relief from the requirement of a ten (10) foot wide planting strip on the rear of the property line abutting a residential zone. The Zoning Commissioner denied the requested special exceptions, which rendered the variance requests moot.

Amoco Oil appealed this decision to the County Board of Appeals, which heard the case de novo. After hearing all the testimony, the Board rendered its opinion and order, which reversed the decision of the Zoning Commissioner, in that it:

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
<i>Charles Gast Jr</i>	<i>1202 Fennell CT</i>
<i>Geoffrey C. Schultz</i>	<i>5 Shaw Rd.</i>
<i>W. Paul Thompson Jr.</i>	<i>P.O. Box 200 KINGSVILLE MD 21081</i>

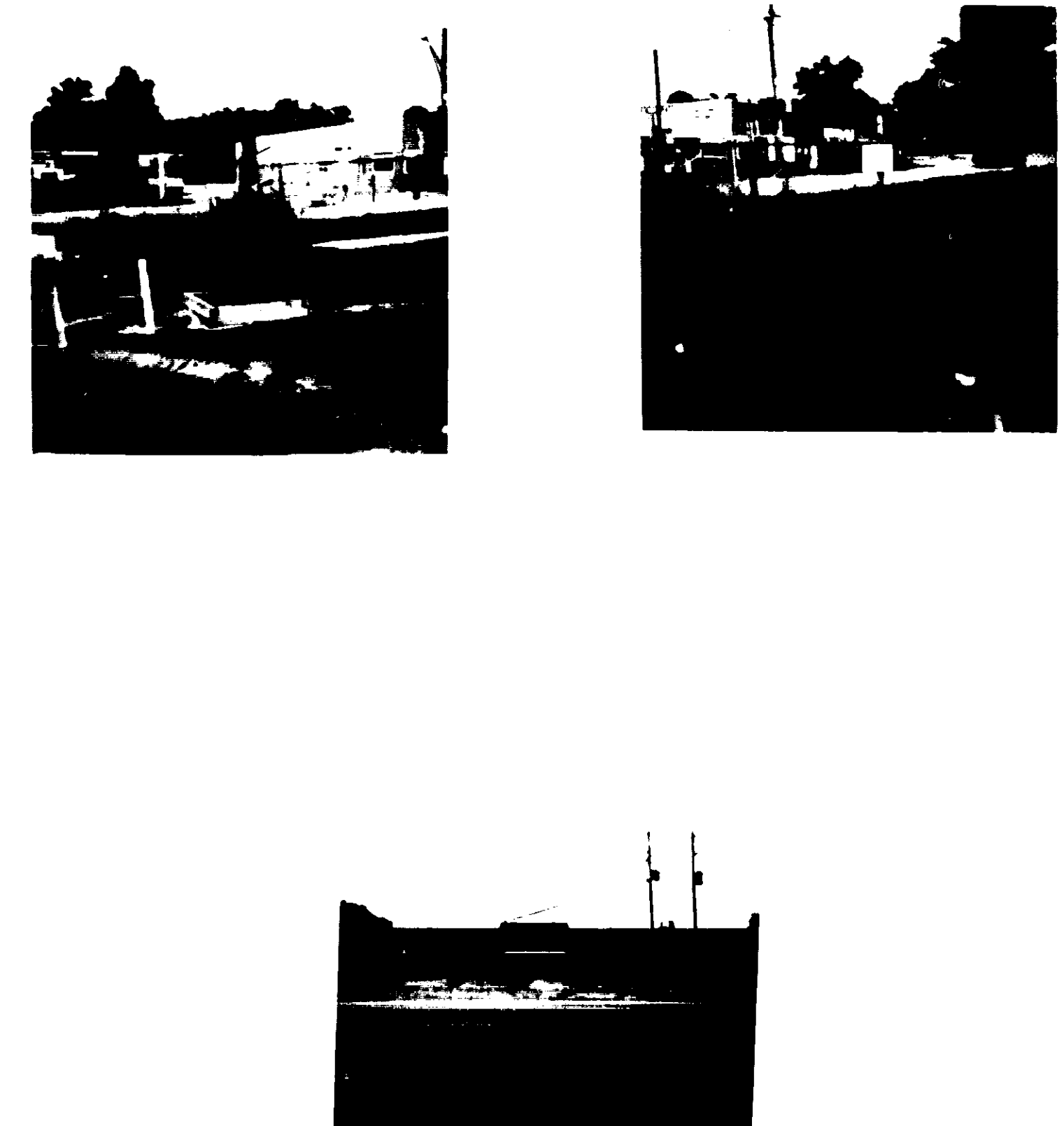
PETITIONER(S) EXHIBIT (2)

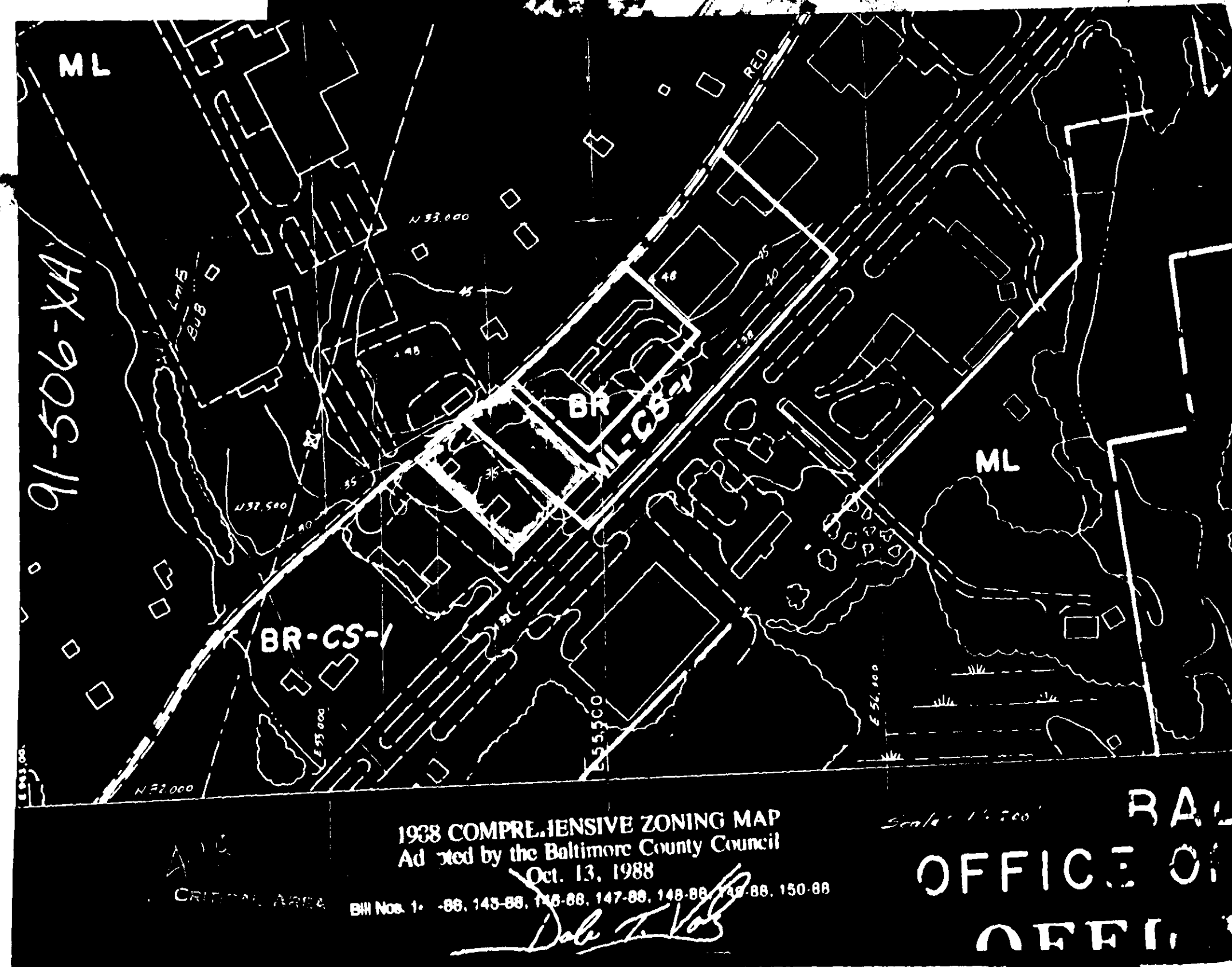
91-506XA



PETITIONER(S) EXHIBIT (7)

91-505XA





**PETITIONER'S
EXHIBIT 4**

91-505XA

**BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP**

PREPARED BY AIR PHOTOGRAPHICS, INC.
MARTINSBURG, W.V. 25401

SCALE	LOCATION	SHEET
1" = 200' ±	LORELEY WHITE MARSH AREA	N.E. 9-J
DATE OF PHOTOGRAPHY JANUARY 1986		

TABULATION

- Total area of site = 45,302 SF = 1.04 Ac.
- Total area designated IDA = 1.00 Ac.
- Parking required and proposed = 19 spaces
- Existing impervious areas:

Building	2,165 SF
Greenhouse	243 SF
Macadam	6,777 SF
Crafter Run	14,232 SF
TOTAL	23,417 SF
- Proposed impervious areas:

Buildings	1,838 SF
Deck	96 SF
Fountain	28 SF
Porches	200 SF
TOTAL	2,162 SF
- Existing impervious to be removed:

Macadam	1,500 SF
Crafter Run	3,128 SF
TOTAL	4,628 SF
- Pre-development impervious = 23,417/43,560 = 54%
- Post-development impervious = (23,417 + 2,162 - 4,628) / 43,560 = 48%

TOTAL DISTURBED AREA
12,000 S.F. ±

POLLUTANT LOADING DATA

WORKSHEET 4: REDEVELOPMENT

Step 1: Estimate parameters

	Pre-development	Post-development
P (normal year)	40 inches	40 inches
P (annual)	0.9	0.9
A (within Critical Area)	1.00	1.00
Ia (structures)	1.00	1.00
Ib (paving lot)	1.00	1.00
Ic (roadway)	1.00	1.00
Id (other)	1.00	1.00
I (total)	1.00	1.00
I = (Ia total/A)	1.00	1.00
Rv = 0.05 + 0.005(I)	0.05	0.05
C = I to or > 20%	1.08	1.08
I < 20%	0.26	0.26

Step 2: Calculate the pre-development load (L pre)

$$L_{pre} = (P)(I)(Rv)(12) = (40)(1.00)(0.05)(12) = 2.4 \text{ lbs./year}$$

Step 3: Calculate the post-development load (L post)

$$L_{post} = (P)(I)(Rv)(12) = (40)(1.00)(0.05)(12) = 2.4 \text{ lbs./year}$$

Step 4: Calculate the pollutant removal requirement (RR)

$$RR = L_{post} - (0.9 \times L_{pre}) = 2.4 - (0.9 \times 2.4) = 0.24 \text{ lbs./year}$$

LANDSCAPING DATA

- Adjacent Road

Pulaski Highway	200 L.F./40' = 5 trees
Red Lion Road	200 L.F./40' = 5 trees
TOTAL	10 trees (50% major)
- Interior Road

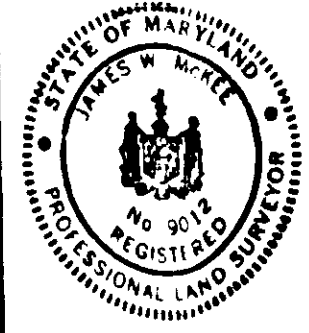
200 L.F./40' = 10 trees (75% major)

- Parking

One per 12 spaces = 19/12 = 2 trees (100% major)
--
- Total trees required = 22 trees (15 major)
- Total provided = 22 trees (18 major)

McKEE & ASSOCIATES, INC.

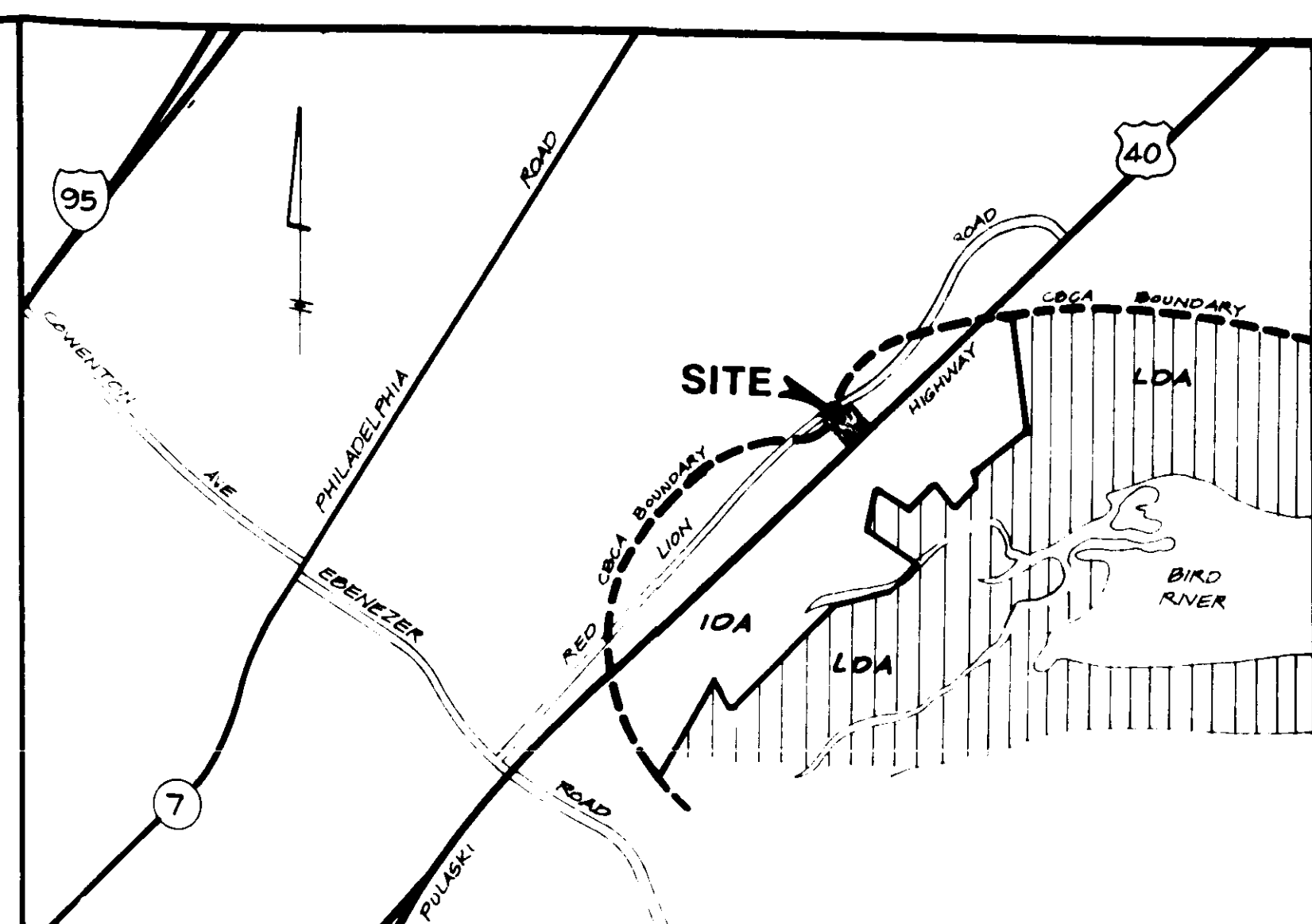
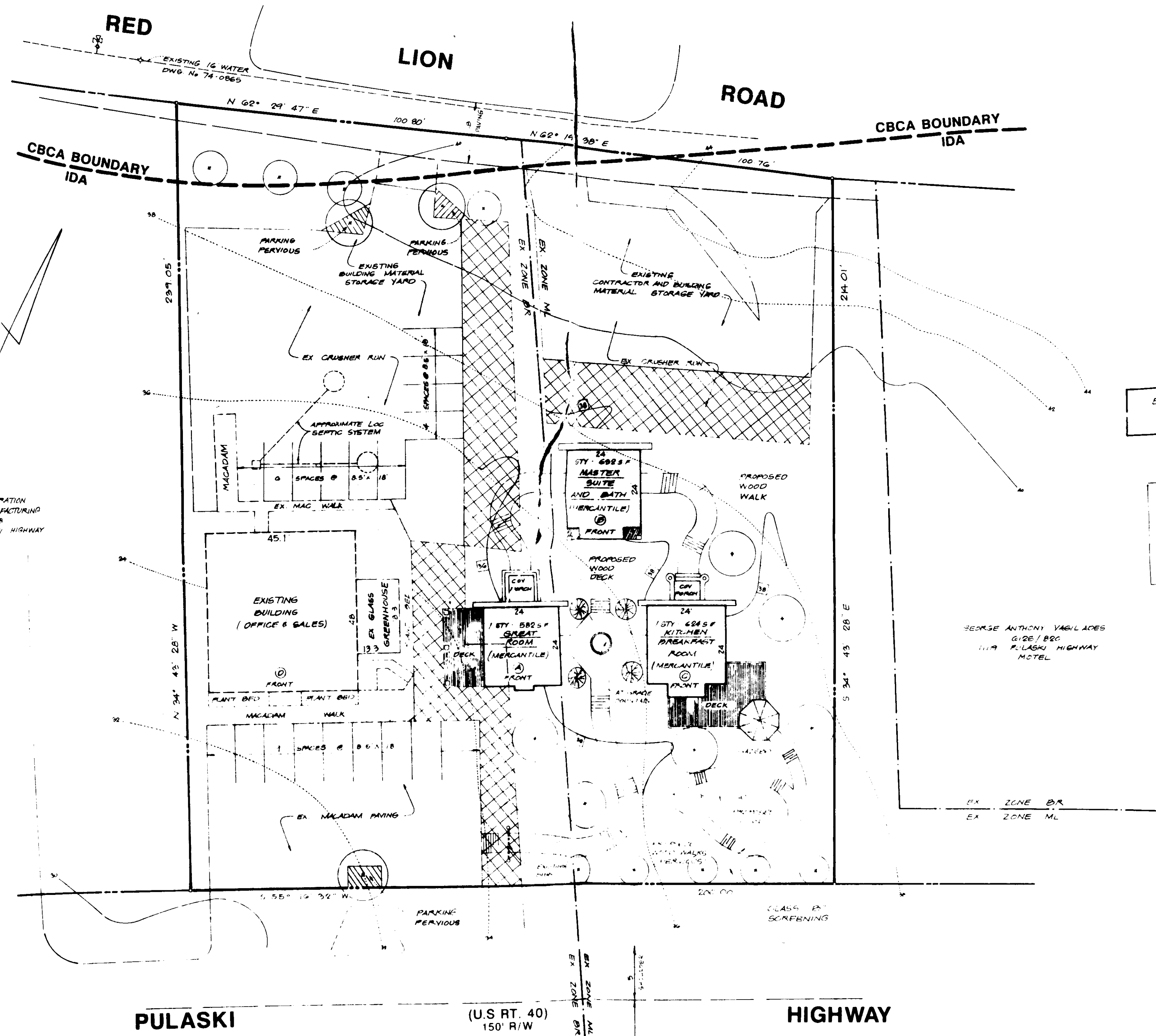
Engineering Surveying Real Estate Development
SHAWAN PLACE S SHAWAN ROAD HUNT VALLEY MARYLAND 21030
(301) 527-1555



James W. McKee Date
(Maryland Registered No. 90121)

LEGEND

- EXISTING CONTOURS
- PROPERTY LINES
- ZONING LINE
- IMPERVIOUS AREAS TO REMAIN
- IMPERVIOUS AREAS TO BE REMOVED
- MAJOR DECIDUOUS TREES
- EVERGREEN TREE



VICINITY MAP
SCALE: 1"= 1000'

GENERAL NOTES

- Existing zoning is B-1 (Office/Industrial) and C-1 (Community Center).
- Census Tract No. 8113.00.
- Election District No. 11.
- Councilmanic District No. 5.
- Watermain No. 5.
- Subwatermain No. 20.
- CBA Designation is IDA.
- An exemption to stormwater management is requested.
- Top shown hereon has been taken from Baltimore County 200 State Map R-1, 9-2.
- To the best of our knowledge there are:
 - No tributary streams, bodies of water, springs or seeps on-site or within 300 feet of property.
 - No total or non-total wetlands on-site.
 - No stream or wetland buffers on-site.
 - No 100 year flood plain on-site.
 - No potentially hazardous water on-site.
 - No storage tanks on-site.
- No other information is requested for this site.
- There are no utilities or adjacent existing facilities.
- Property operations in public water and private water systems.
- Site Type Data:
 - Sub - Baltimore-Chesapeake Corridor 1 to 4 percent slope.
 - Classification for Development:
 - Development 3 stories or less without basement - 8 ft.
 - Storm and parking lots - 6 ft.
 - Permitted water table slope.
- There are no historic buildings on-site.

CRITICAL AREA FINDINGS PLAN

CUSTOM ADDITION DESIGN CENTER
GAST CONSTRUCTION CO. INC.

FOR THE PROPERTY LOCATED AT

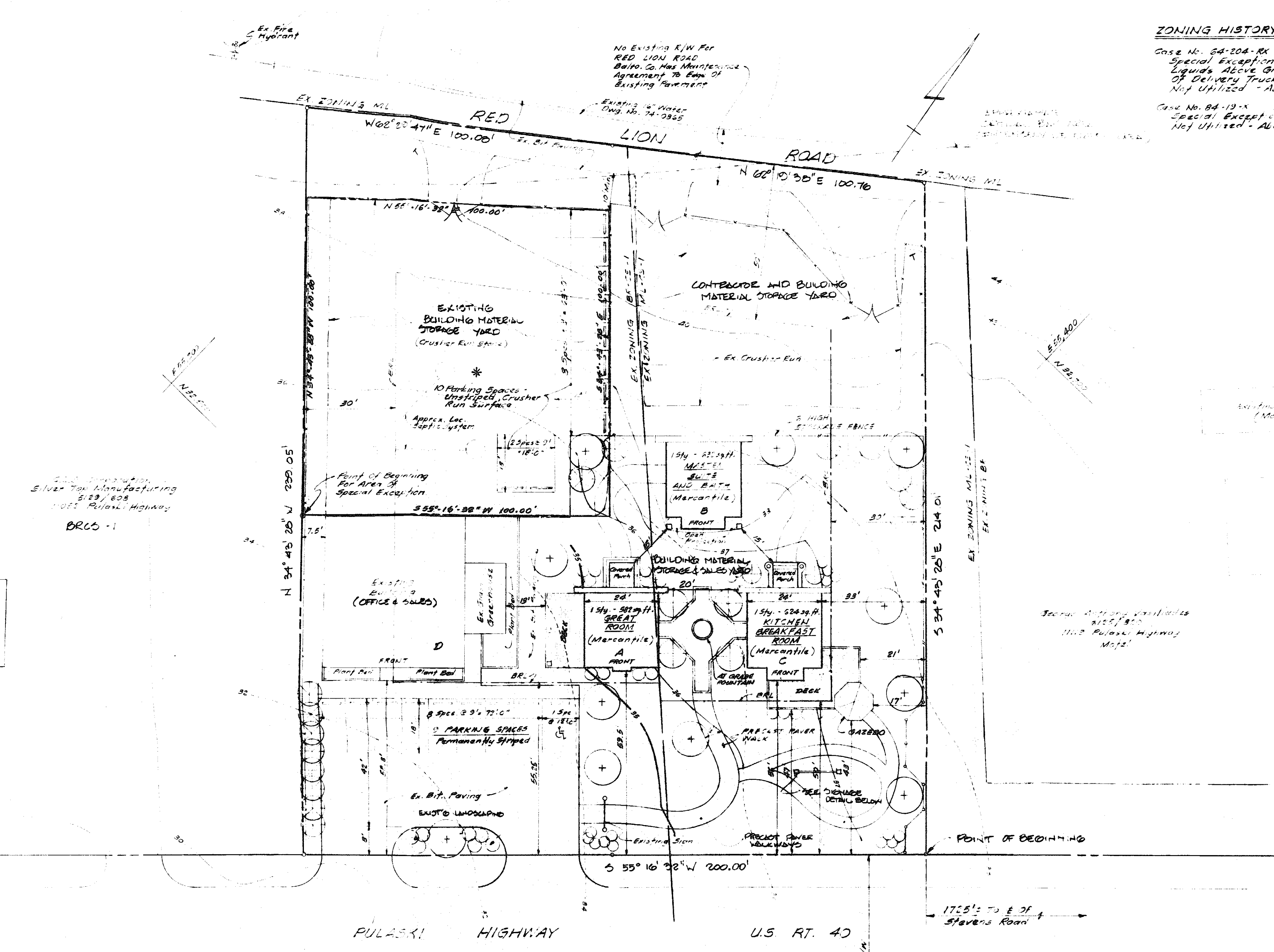
11100 PULASKI HIGHWAY

11th. Election District Baltimore County MD.
Scale: 1"=20' August 16, 1991

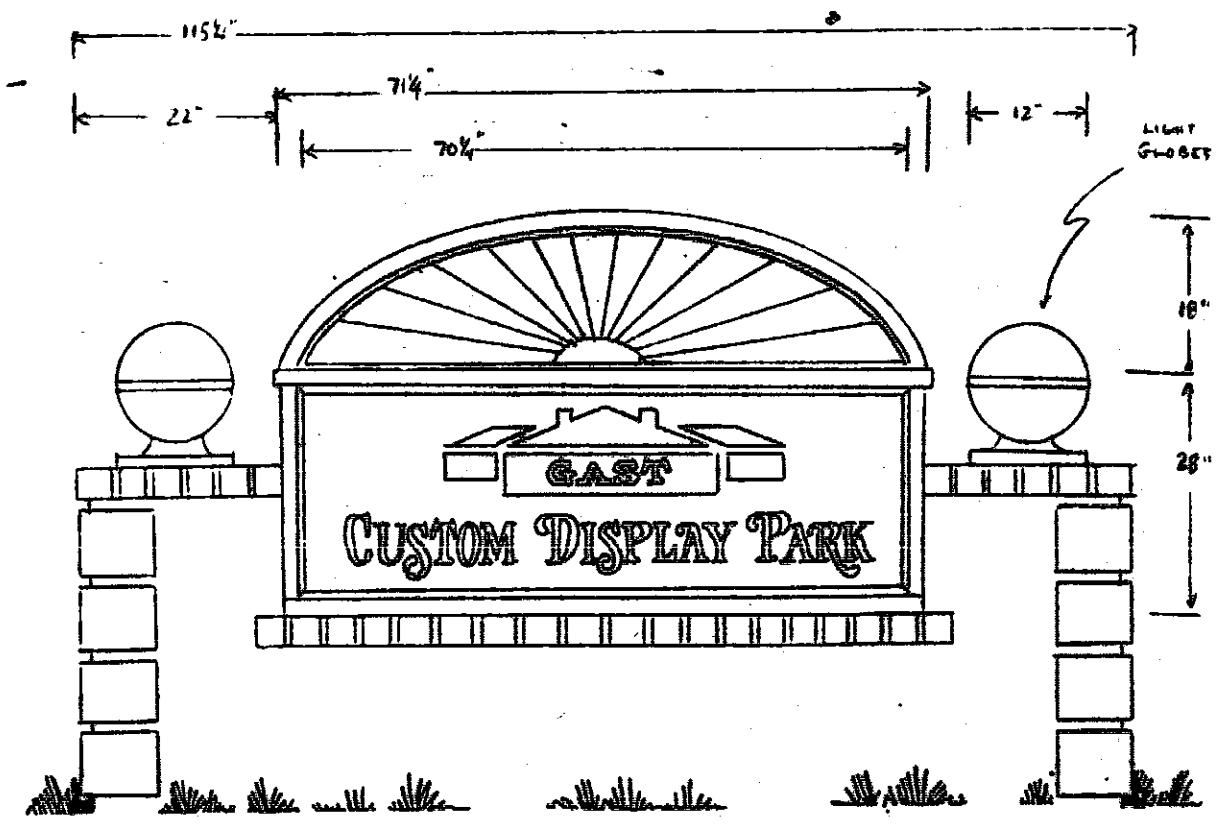
OWNER
GAST CONSTRUCTION CO. INC.
Charles Gast, President
11100 Pulaski Highway
Baltimore, MD 21162
(301) 355-4200

TAX MAP 73 GRID 6

PARCEL	DEED REF.	ACCOUNT NO.
190	7103/545	11-18-012510
239	4040/438	11-02-003320
240	3164/355	11-02-003320



① SITE PLAN
SCALE: 1" = 20'



② SIGN DETAIL
NO SCALE

ZONING VARIANCE REQUEST:

- 238.1 FRONT YARD SETBACK - 43' IN LIEU OF REQUIRED 50'
- 238.2 SIDE YARD SETBACK - EXISTING BUILDING 7.5' IN LIEU OF REQUIRED 20'
- 102.2, 238.2 & 255.1 BUILDING SEPARATION - A TO B 15' IN LIEU OF REQUIRED 60'
B TO C 15' IN LIEU OF REQUIRED 60'
C TO D 20' IN LIEU OF REQUIRED 60'
A TO D 15' IN LIEU OF REQUIRED 60'
- 238.2, 255.1 & 301.1 SIDE YARD SETBACK - OVERLAP 17' IN LIEU OF REQUIRED 30'
- 413.6B SIGN REQUIREMENTS - ADDITIONAL SIGN OF 143 TOTAL SQUARE FEET IN LIEU OF REQUIRED 25 SQ. FT.
- 402.9 & 222.6 PARKING VARIANCE TO PERMIT AN UNSTRIPE CRUSHER RUN SURFACE IN LIEU OF THE REQUIRED PERMANENTLY STRIPE CRUSHER, DUSTLESS SURFACE. SEE #

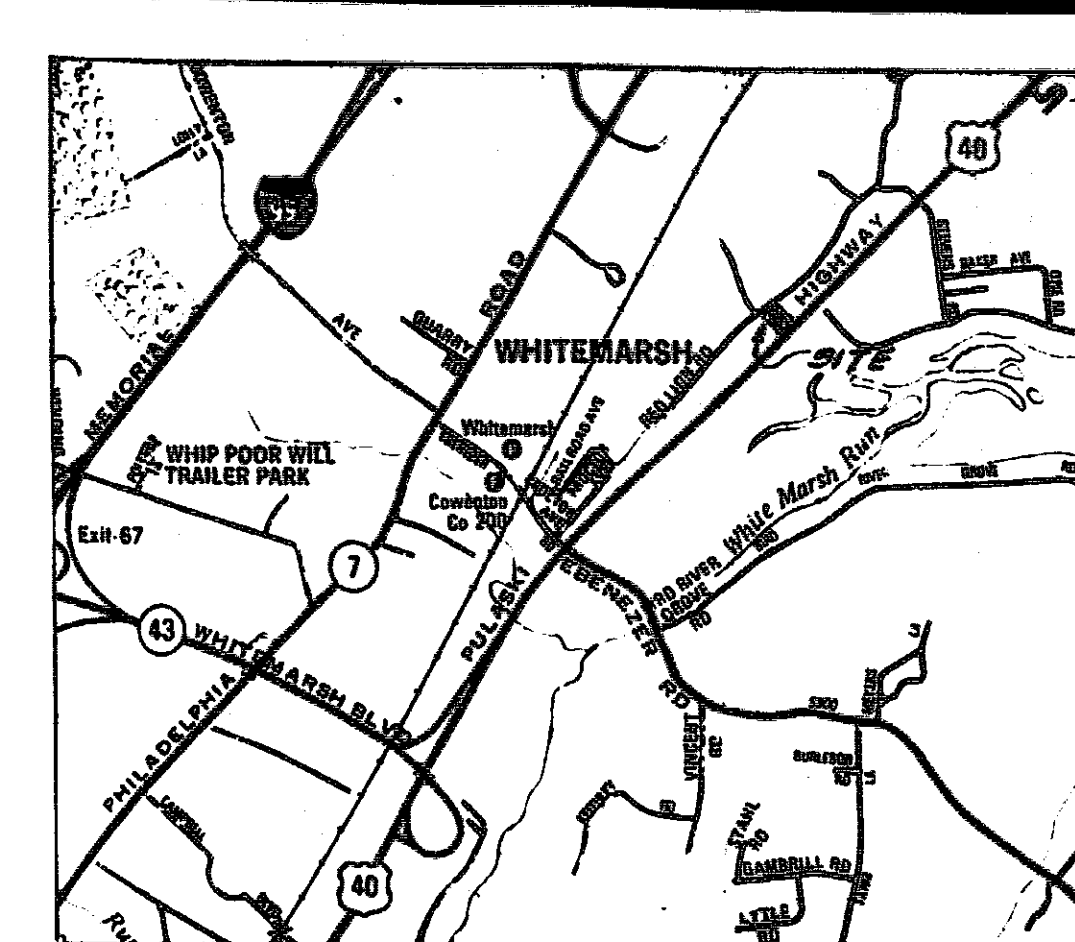
198 SPECIAL EXCEPTION REQUEST

SECTION 104 - NONCONFORMING USE (CL. 22). SPECIAL EXCEPTION TO PERMIT CONTRACTOR EQUIPMENT STORAGE IN BULKY ZONE

ZONING HISTORY

Case No. 84-204-RX 7/22/64
Special Exception for Storage of Flammable Liquids, Acidic Ground (Temporary Storage of Delivery Trucks Overnight) Approved
Not Utilized - Abandoned

Case No. 84-19-X 5/11/84
Special Exception to Permit A Used Car Lot
Not Utilized - Abandoned



LOCATION PLAN
SCALE: 1" = 2000'

PROPOSED BUILDING USE:
BUILDING MATERIALS STORAGE AND SALES YARD

OWNER/APPLICANT:
GAST CONSTRUCTION COMPANY, INC.
Charles Gast, President
1100 Pulaski Highway
Baltimore, Maryland 21162
312-4230

DEED REF. 7103/545
3164/385
4040/438

TAX ACCOUNT NOS. 11-18-012510

91-506-XA

SITE DATA

Existing Zoning	BR-CS-1 & ML-CS-1
Total Area of Site	1.04 Ac.
Total Gross Area	1.18 Ac.
BR-CS-1 Gross Area	0.67 Ac.
ML-CS-1 Gross Area	0.51 Ac.
Total Net Area	1.04 Ac.
BR-CS-1 Net Area	0.67 Ac.
ML-CS-1 Net Area	0.44 Ac.
Election District	11th
Councilmanic District	5th
Census Tract	4118.02
Watershed	5
Subwatershed	50
Critical Bay Area	Intensely Developed Area (IDA)
No STORAGE TANKS EXIST ON SITE	

SOILS

BUB - Baltimore Urban Land Complex
0 to 5 percent slope

LIMITATIONS FOR DEVELOPMENT

Homesites (3 Stories or Less)
With Basement - Moderate: seasonally perched water table
Without Basement - Slight
Streets & Parking Lots - Moderate: seasonally perched water table; slopes.

GRADING

EXISTING SITE REQUIRES NO GRADING FOR BUILDING PROPOSED.

PARKING

REQUIRED
Existing Bldg. (Office) 3446 sq. ft. + 300 x 2
Prop. Bldg. (Warehouse) 1038 sq. ft. + 200 x 10
Total Required 13500 sq. ft.
PROVIDED = 13500 sq. ft. (1 Hour)

FLOOR AREA RATIO

AREA OF EXISTING BUILDING = 3446 sq. ft.
AREA OF PROPOSED BUILDING = 1038 sq. ft.
PERMITTED MAX. FLOOR AREA RATIO = 2.0
ACTUAL FLOOR AREA RATIO = 3.23

LANDSCAPING

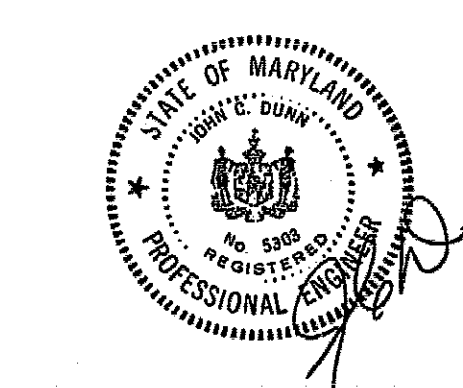
Landscaping shall be provided in accordance with Requirements of The Baltimore County Landscaping Manual, dated Oct. 1, 1990 and As Amended.
1 sq. ft. LE Adjacent Road 400/40-10
1 sq. ft. LE Adjacent to RW 80/15-6
Required Planting (85% Major) = 16 p.u.s

WATER - Public Water - Service From Red Lion Rd.
SEPTIC - Ex. Septic System - No Additional Water or Septic Proposed.

STORM WATER MANAGEMENT
SWM Requirements Will Be Addressed During Design And Review Phases of Project.

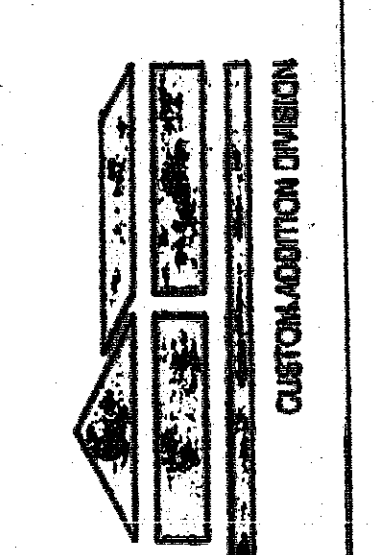
LANDSCAPING LEGEND

- MAJOR
- MINOR
- EVERGREEN
- SHRUB



PUBLIC SERVICES CRG NO. _____
CRITICAL AREA PLANNING NO. _____

DATE	DESCRIPTION	INITIALS
5/16/01	MOD. LABELING & PROPERTY DESCRIPTION	WFL
6/19/01	SPECIAL EXCEPTION	WFL
8/17/01	REVISION	WFL



GAST
CONSTRUCTION COMPANY, INC.

CUSTOM ADDITION
DESIGN CENTER
PLAT TO ACCOMPANY
ZONING VARIANCE AND
SPECIAL EXCEPTION

PLITT & ASSOCIATES, INC.
ARCHITECTS & PLANNERS

DRAWING NO. **S1-1**
PROJECT NO. _____